IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8705 OF 2004

Maruti Bhau Gajarkar & Ors. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

Mr.N.V.Bandivadekar for petitioners

Mr.V.P.Malvankar, A.G.P. for State

Mr.R.V.Govilkar for respondent No.4.

CORAM : A.P.SHAH AND

S.C.DHARMADHIKARI, JJ.

DATE : 9TH DECEMBER 2004.

P.C.

. Learned Counsel appearing for petitioner seeks leave to delete respondent No.5. Leave granted. Name of respondent No.5 is deleted.

2. Heard Advocates.

3. The appeal preferred by respondent No.4 is pending before Sub-Divisional Officer, (SDO) Gadhinglaj. The S.D.O. is expected to decide the appeal on its own merits and respondent No.2 is not justified in giving any order or direction to decide the appeal in a particular manner. Therefore, we quash and set aside the impugned order of the respondent No.2 dated 8th September 2004. S.D.O. is directed to decide the appeal on its own merits in accordance with law expeditiously and preferably within four months from today.

4. Petition is accordingly disposed of.

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